SENATE DEMOCRATIC CAUCUS

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SENATORS CHERRY AND JACOBS PUSH PACKAGE TO PROTECT PATIENT PRIVACY

Bills enact Governor's call for stronger protection of medical records

LANSING – Senate Democrats have introduced a bi-partisan legislative package that will better protect the privacy of abandoned medical records, as well as genetic information and Medicaid health information. It would also exempt protected health information from the Freedom of Information Act. The bills are part of the Senate Democrats' continuing effort to promote consumer protection and reflect Governor's Jennifer M. Granholm's long-standing call for better protection of consumers' medical privacy.

Highlights of the package include legislation sponsored by Sen. Gilda Jacobs (D-Huntington Woods) that requires improved protection, retention and maintenance of medical records. Health care providers authorized to destroy patient records will be required to do so in a manner that protects patient privacy.

"Accidental disclosure from improperly handled medical records leads to identity theft, denial of insurance coverage or financial credit, stigma, and loss of employment opportunities," Sen. Jacobs said. "No one wants to go through these hassles. Patients deserve the utmost consideration in protecting their valuable personal records."

Another bill, proposed by Sen. Deborah Cherry (D-Burton), would amend the Freedom of Information Act to exclude 'protected health information' as defined by the Health Insurance Portability and Accountability Act Privacy Rules. Passage of the package would join Michigan with Utah in ensuring that individuals served by public agencies have the same protection as people served by private agencies.

"It is obvious that consumer protection should be extended to those who use our Medicaid program, state psychiatric facilities and local mental health agencies," Sen. Cherry said. "Medical records are private and the right to privacy should be valued at the highest levels."

The legislation also includes initiatives that will require that disclosure of genetic information be specifically authorized by written consent, putting genetic information on a par with other

sensitive medical information such as HIV/AIDS status or mental health treatment. Another bill. would provide for additional protection, retention and maintenance of Medicaid recipient medical records

Governor Granholm supports the legislature's joint effort: "A person's medical history is like their fingerprint: it's unique, deeply personal and rich with information. I have longed called for stronger medical privacy protection in Michigan so I'm thrilled to stand with Senators Cherry and Jacobs to support their legislation. We look forward to working with consumer and patient advocacy groups, the medical community and all of the Michigan Legislature to put these protections into place for Michigan consumers as soon as we can."

Additionally, genetic information obtained for identification purposes in case of emergency or disaster would receive additional protection under the package.

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Please note: further information on the Senate Democrats' consumer rights agenda can be accessed at www.senate.mi.gov/dem.